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VIA Email and First Class Mail

July 18, 2017

Susan Scott, Esq.
Senior Enforcement Counsel
U.S. Environmental Protection Agency
5 Post Office Square
Suite 100, Mail Code OES04-4
Boston, MA 02109-3912

RE: Little Falls Property of S.D. Warren Company in Windham and Gorham, Maine –
Response to Inquiry Regarding CERCLA Information Request

Dear Susan:

I am writing on behalf of client S.D. Warren Company, d/b/a Sappi North America ("Sappi"), in response to your email inquiry of June 27, 2017 regarding the possibility that Sappi may have additional information that may be responsive to the Environmental Protection Agency's ("EPA's") Request for Information Pursuant to Section 104 of CERCLA dated October 9, 2014 ("Information Request") for the Keddy Mill Superfund Site (the "Site"). As you know, Sappi answered that Information Request by letter dated November 24, 2014 (the "Sappi Response"). Your recent email notes that Sappi may have interviewed individuals employed by Lawrence Keddy-related companies, and also states that EPA believes that the Information Request "imposes a continuing obligation to submit responsive information discovered after the original response...."

In addressing your recent inquiry, Sappi notes the following, as initial matters. First, Sappi made a number of objections to the Information Request, including an objection to the assertion that the Information Request imposed a continuing obligation.

- Sappi's Response acknowledged EPA's assertion that the Information Request included a "continuing obligation" to provide "information or documents responsive" to the request, and that EPA believes that EPA must be notified as soon as possible if Sappi discovers or believes that any portion of the submitted information is false or misrepresents the truth.
- Sappi's Response objected to assertion of such a "continuing obligation" and explained that CERCLA section 104(e) does not impose that obligation, or allow such an obligation to be imposed.
- Nevertheless, Sappi's Response indicated Sappi would provide additional information or documents if those rendered the Sappi Response incomplete or inaccurate.



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Second, you will appreciate that the questions posed in the Information Request are highly specific as to which properties are the subject of each question (the Keddy Mill property/aka the Site vs. Sappi properties), what information is being sought in each question, and for what period of time.

To address your recent email inquiry, Sappi notes that several persons were interviewed by an attorney. By providing the information in this letter, Sappi does not waive the attorney-client privilege, or the attorney work product privilege, but is not withholding any facts that are within the scope of the questions in the Information Request.

Note that the interviews focused on possible disposal on the property Sappi now owns, not on disposal on the Keddy Mill property (the Site) which Sappi has never owned. In any event, no information or documents were obtained in the interviews that rendered Sappi's Response inaccurate, incomplete, or false or misleading.

To the extent that EPA is seeking the names of the persons interviewed, those persons and their addresses and telephone numbers were, at the time of interview:

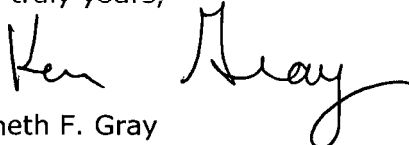
Anne Googins,* 49 Ocean View, Cape Elizabeth, Maine (207-799-1916)
Ralph MacDonald,* 53 Main Street, South Windham (207-892-6918)
Ernie Nichols, P.O. Box 102, Main Street, South Windham 04082(207-892-6968)
Bruce Crawford,* P.O. Box 3, East Baldwin, Maine (207-787-2928)
Norman Mason, 487 Brook Street, Westbrook, ME (207-797-4639)
Peter Morell (207-892-6686)
John Morrell, 387 Roosevelt Trail, Windham, ME (207-831-5767)

Some of these individuals stated they worked for enterprises in which Lawrence Keddy worked or may have had an interest (indicated by asterisk), but Sappi has not attempted to confirm that independently. Sappi does not know whether those individuals have information on releases at the Site, the source or quantity of materials placed or disposed at the Site, or ownership of the Site.

Susan, I trust EPA will find that this letter satisfactory in addressing the inquiry.

Please call with any questions.

Very truly yours,


Kenneth F. Gray

cc:

Briana K. O'Regan, Assistant General Counsel, Sappi
Dana Beaulieu, EHS Manager, Sappi
Thomas Howard, Environmental Manager, Sappi